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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,446	10/26/2000	David Bruce Kumhyr	AUS9-2000-0501-US1	3535

35525 7590 01/10/2006	EXAMINER
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ART UNIT	PAPER NUMBER
2191	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/697,446	KUMHYR ET AL.
	Examiner	Art Unit
	Satish S. Rampuria	2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>18 October 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 12242005

DETAILED ACTION

1.   This action is in response to the Amendment filed on Oct. 18, 2005.

1.   Claims cancelled by the Applicant: None.

2.   Claims amended by the Applicant: 1, 3, 5, 7-9, 11, 15-17, 19 and 23-24.

3.   Claims pending in the application: 1-24.

Response to Arguments

4.   Applicant's arguments with respect to claims have been considered but they are not

persuasive.

In the remarks, the applicant has argued that:

(i)   Bowen does not anticipate the invention recited in claim 1. Bowen is not searching

programming code, nor is it searching for a pair of delimiters, as recited in claim 1

(Remarks, page 7).

(ii)   Claims 2, 10, and 18 recite wherein said string is not flagged as a possible hard-coded

string if said string is a path name to said resource file. Against this recitation, the

rejection cites column 4, lines 22-26 of Bowen, cited above against the flagging step.

As discussed there, this excerpt does not show flagging or a consideration of flagging;

neither does this excerpt discuss path names that point to resource files (Remarks,

page 8).

(iii)   Claims 3, 11, and 19 Bowen is citing software that can implement the indexing

scheme, while the claimed programming code is the code being searched (Remarks,

page 8).

(iv)   Claims 4,12 and 20 Bowen is not discussing the path name identified within the

        delimited string (Remarks, page 8).

(v)   Claims 8, 16 and 24 Bowen previously cited against the scanning step. As discussed

        there, this excerpt does not discuss scanning code for a pair of delimiters (Remarks,

        page 9).

Examiner's response:

(i)   In response the Applicants argument, Bowen discloses the keyword searching of

        highly structured data. Where data could be a document, flat-file etc. (col. 6, lines 55-

        67). Bowen specifically explained that the invention is suited for programming

        languages such as Java, Pascal, C++, C CGI, Perl, SQL, APIs, SDKs, assembly,

        firmware, microcode, and/or other languages and tools. These all are one skill in the

        art considered as programming languages. So, Bowen has shown the steps of claim 1

        as claimed. Applicants make general allegations. Therefore, the rejection is proper

        and maintained herein.

(ii)   In response the Applicants argument, Bowen does discloses the indexing agent

        produces an index that associated with keyword with resource locators and the

        resource locators are URLs, file paths etc (col. 4, lines 52-63). Applicants make

        general allegations. Therefore, the rejection is proper and maintained herein.

(iii)   In response the Applicants argument, See the reply to claim 1.

(iv)   In response the Applicants argument, See the reply to claim 2, 10 and 18.

(v)   In response the Applicants argument, Bowen is searching for the keyword within the

textual representation data, in this case searching would be similar to scanning, See

FIG. 3, element 304 and related discussion. Applicants make general allegations.

Therefore, the rejection is proper and maintained herein.

Further, for claims 6, 14, 22, 7, 15 and 23 Applicant's arguments fail to comply with 37

CFR 1.111(b) because they amount to a general allegation that the claims define a patentable

invention without specifically pointing out how the language of the claims patentably

distinguishes them from the references.

Furthermore, for claims 1 and 9 the limitation "require conversion" has not been given

patentable weight because the limitation occurs in the preamble. A preamble is generally not

accorded any patentable weight where it merely recites the purpose of a process or the intended

use of a structure, and where the body of the claim does not depend on the preamble for

completeness but, instead, the process steps or structural limitations are able to stand alone. See

In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152,

88 USPQ 478, 481 (CCPA 1951).

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No.

6,094,649 to Bowen et al. (hereinafter, Bowen).

Per claim 1:

Bowen discloses:

-       *scanning programming code for a first pair of delimiters that are used to delimit text*

        strings (col. 4, line 53-55 "a keyword search…location identifier" and col. 7, lines 45-50

        "…programming languages… Java… C++…and tools");

- *determining whether a string within said pair of string delimiters is a path name to a*
  resource file (col. 4, line 56-62 "keyword with resource locators...include..URLs, hot links,
  file paths... among others"); and

- *if said string is not a path name to said resource file than flagging said string as a*
  possible hard-coded string (col. 4 lines 22-26 "One method of the invention begins...
  selection... one data... in the structured database; each selected item... data and has a
  corresponding location identifier which identifies the item's location within the structured
  database").

Per claim 2:

The rejection of claim 1 is incorporated, and further, Bowen discloses:

- *wherein said string is not flagged as a possible hard-coded string if said string is a path*
  name to said resource file (col. 4 lines 22-26 "One method of the invention begins...
  selection... one data... in the structured database; each selected item... data and has a
  corresponding location identifier which identifies the item's location within the structured
  database").

Per claim 3:

The rejection of claim 1 is incorporated, and further, Bowen discloses:

- *wherein said programming code comprises platform-independent byte code* (col. 7,
  lines 45-50 "...programming languages... Java... C++...and tools").

Per claim 4:

The rejection of claim 1 is incorporated, and further, Bowen discloses:

- *wherein said path name is a uniform resource locator* (col. 4, line 56-62 "keyword with

 resource locators...include... URLs, hot links, file paths... among others").

Per claim 5:

The rejection of claim 1 is incorporated, and further, Bowen discloses:

- *wherein said resource file is a resource bundle* (col. 4, line 56-62 "keyword with

 resource locators...include... URLs, hot links, file paths... among others").

Per claim 6:

The rejection of claim 1 is incorporated, and further, Bowen discloses:

- *wherein said string within said first pair of string delimiters is a path name to said*

 resource file if said string is in a dot delimited notation (col. 5, line 55-64 "a "keyword"

 search... of digital data using a key word or phrase... Keywords may contain

 wildcards... if the question mark is used as a wildcard capable of matching any single

 character and the asterisk is used as a wildcard capable of matching any zero or more

 characters...").

Per claims 7 and 8:

The rejection of claim 1 is incorporated, and further, Bowen discloses:

- **wherein said programming code is scanned line by line until said first pair of string delimiters is identified** (col. 4, line 53-55 "a keyword search…location identifier").

Claim 9 is the computer program product claim corresponding to method claim 1 and rejected under the same rational set forth in connection with the rejection of claim 1 above.

Claim 10 is the computer program product claim corresponding to method claim 2 and rejected under the same rational set forth in connection with the rejection of claim 2 above.

Claim 11 is the computer program product claim corresponding to method claim 3 and rejected under the same rational set forth in connection with the rejection of claim 3 above.

Claim 12 is the computer program product claim corresponding to method claim 4 and rejected under the same rational set forth in connection with the rejection of claim 4 above.

Claim 13 is the computer program product claim corresponding to method claim 5 and rejected under the same rational set forth in connection with the rejection of claim 5 above.

Claim 14 is the computer program product claim corresponding to method claim 6 and rejected under the same rational set forth in connection with the rejection of claim 6 above.

Claims 15 and 16 are the computer program product claim corresponding to method claim 1 and rejected under the same rational set forth in connection with the rejection of claim 1 above.

Claims 17-24 are the system claim corresponding to method claims 1-8, respectively, and rejected under the same rational set forth in connection with the rejection of claims 1-8, respectively, above.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-3732**. The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday except every other Friday and federal holidays. Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wei Y. Zhen** can be reached on **(571) 272-3708**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria
Patent Examiner/Software Engineer
Art Unit 2191
1/17/2006

**WEI ZHEN
SUPERVISORY PATENT EXAMINER**